

**ASSEMBLY BILL**

**No. 225**

---

**Introduced by Assembly Member Nielsen**

February 2, 2011

---

An act to amend Section 3064 of the Family Code, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as introduced, Nielsen. Child custody: ex parte orders.

Existing law prohibits a court from making an order granting or modifying a custody order on an ex parte basis unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the state.

This bill would instead authorize the court to make an order granting or modifying a custody order on an ex parte basis only if there has been a showing of immediate risk that the child will be removed from the state.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3064 of the Family Code is amended to  
2     read:  
3     3064. ~~(a)–The court shall refrain from making~~ *may make* an  
4     order granting or modifying a custody order on an ex parte basis  
5     ~~unless only if~~ there has been a showing of ~~immediate harm to the~~  
6     ~~child or~~ immediate risk that the child will be removed from the  
7     State of California.

- 1     (b) ~~“Immediate harm to the child” includes, but is not limited~~  
2 ~~to, the following:~~
- 3     (1) ~~Having a parent who has committed acts of domestic~~  
4 ~~violence, where the court determines that the acts of domestic~~  
5 ~~violence are of recent origin or are a part of a demonstrated and~~  
6 ~~continuing pattern of acts of domestic violence.~~
- 7     (2) ~~Sexual abuse of the child, where the court determines that~~  
8 ~~the acts of sexual abuse are of recent origin or are a part of a~~  
9 ~~demonstrated and continuing pattern of acts of sexual abuse.~~